

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMANUEL OKITA OKOCHA,

Plaintiff,

-against-

08 Civ. 8650 (LAK)

HSBC BANK USA, N.A., et al.,

Defendants.
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ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
CLOCK #:
DATE FILED #: 6/26/09

LEWIS A. KAPLAN, *District Judge.*

Plaintiff's motion for an extension of time and other relief [docket item 40] is granted to the extent that plaintiff's time to respond to defendants' motion for summary judgment¹ is extended to and including July 1, 2009 and otherwise denied as moot.

Defendants move to strike plaintiff's jury demand, although the motion was incorrectly docketed as a motion *in limine*. [Docket item 27] Although plaintiff's motion for an extension of time and other relief is entitled in such a way as to indicate that the papers were intended also to include opposition to the motion to strike the jury demand, they in fact do not respond to defendants' argument. Accordingly, defendants' motion [docket item 27] is granted and the jury demand stricken on the ground that plaintiff contractually waived his right to trial by jury.

SO ORDERED.

Dated: June 26, 2009



Lewis A. Kaplan
United States District Judge

¹ Plaintiff attempted to file such papers electronically on June 24, 2009. The filing, however, was rejected by the Clerk for failure to comply with the Court's ECF rules and procedures. Plaintiff accordingly will have to cure the deficiencies and refile.